

**AS AMENDED**

**AN ORDINANCE 2006 - 01 - 19 - 0084**

**ACCEPTING A PROPOSAL AND AUTHORIZING EXECUTION OF A STAND-BY ASBESTOS ABATEMENT ENVIRONMENTAL CONSTRUCTION SERVICES AGREEMENT FOR ASBESTOS REMEDIATION TO BE PERFORMED BY TLI & ENVIRONMENTAL SERVICES, INC. (TLI), FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED \$330,000.00 ANNUALLY, ON AN AS-NEEDED BASIS FOR VARIOUS ASBESTOS ABATEMENT PROJECTS, FOR A PERIOD OF ONE YEAR, WITH OPTIONS, IN FAVOR OF THE CITY, TO EXTEND THE TERM OF THE AGREEMENT FOR TWO (2) ADDITIONAL ONE (1) YEAR PERFORMANCE PERIODS UNDER THE SAME TERMS AND CONDITIONS, ONE OR BOTH OF WHICH OPTIONS MAY BE EXERCISED UPON THE APPROVAL OF THE CITY COUNCIL; AND PROVIDING FOR PAYMENT.**

**\* \* \* \* \***

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A proposal tendered by TLI & Environmental Services, Inc. (TLI), is hereby accepted in accordance with an RFP issued by the City soliciting Standby Asbestos Environmental Construction Services for 2006 as needed to meet regulatory requirements during various City projects for safe physical management of asbestos containing materials removed from structures scheduled for demolition, or to address asbestos containing materials detected and encapsulated during City renovation projects.

**SECTION 2.** The City Manager or her designee is authorized to execute a contract with TLI for compensation not to exceed \$330,000.00 annually in return for TLI's performance of the contract, which contract documents consist of this enabling Ordinance, the terms and conditions of the City's RFP, TLI's response, and written amendments and addenda thereto, compiled in an Integration Agreement, the substantial form of which is appended hereto as Attachment A.

**SECTION 3.** At the City's discretion, expressed through approval action by the City Council, and upon recommendation made by the Director of Environmental Services, the City may elect to exercise up to two (2) one-year extensions of the

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agreement under terms and conditions identical to those of the initial performance period.

**SECTION 4.** The following financial provisions are hereby approved to effect this Ordinance:

(a) Payment not to exceed \$330,000 is authorized to TLI Inc and will be appropriated as needed.

(b) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance

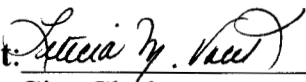
**SECTION 5.** Authority to execute a contract shall expire forty-five (45) days from the date of Council action on this ordinance. The City relies upon the good corporate status and standing of TLI & Environmental, Inc., with the State of Texas, and TLI shall present sufficient evidence of good corporate standing to enable the City to enter into the agreement. The City's reliance in this regard is material. Prior to expiration of forty-five (45) days, and anytime after the effective date of this Ordinance, the City may decline to execute the agreement if in the sole judgment of the Director of Environmental Services TLI's franchise tax account status is not secured or capable of being secured in good standing to his satisfaction.

**SECTION 6.** This Ordinance shall be effective January 29, 2006.

**PASSED AND APPROVED** this 19<sup>th</sup> day of January, 2006.



for **M A Y O R**  
**PHIL HARDBERGER**

Attest:   
City Clerk

Approved as to form:   
for City Attorney

# Agenda Voting Results

**Name:** 12. Motion to amend the contract.

**Date:** 01/19/06

**Time:** 02:53:07 PM

**Vote Type:** Multiple selection

**Description:**

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR			x	

# Agenda Voting Results

**Name:** 12.

**Date:** 01/19/06

**Time:** 02:53:40 PM

**Vote Type:** Multiple selection

**Description:** An Ordinance accepting a proposal and authorizing execution of a Stand-by Asbestos Abatement Environmental Construction Services agreement for asbestos remediation to be performed by TLI & Environmental Services, Inc. (TLI), for compensation in an amount not to exceed \$330,000.00 annually, on an as-needed basis for various asbestos abatement projects, for a period of one year, with options, in favor of the City, to extend the term of the agreement for two (2) additional one (1) year performance periods under the same terms and conditions, one or both of which options may be exercised upon the approval of the Director of Environmental Services; and providing for payment. [Presented by Daniel V. Cárdenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

**Notes:** Motioned: RICHARD PEREZ      Seconded: ART A. HALL      Notes:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

**City of San Antonio and TLI & Environmental Services, Inc.  
Stand-By Asbestos Abatement / Environmental Construction  
Services 2006**

**INTEGRATION  
AGREEMENT**

**STATE OF TEXAS  
COUNTY OF BEXAR**

Whereas, all predicates of law have been satisfied for the agreement here executed between the City of San Antonio, a municipal corporation, and TLI & Environmental Services, Inc. (TLI), as authorized by the City Council of the City of San Antonio under Ordinance No. [REDACTED], passed and approved January 19, 2006, and the parties do hereby set the signatures of their lawful and fully authorized representatives to bind them to performance of this agreement as set forth in the terms and conditions of one certain Request for Proposals (RFP) for Stand-By Asbestos Abatement / Environmental Construction Services, and in comportment with TLI's response, which RFP and response and all attachments and addenda thereto, along with this Integration Agreement, do constitute the contract documents for this agreement, all fully incorporated herein verbatim for all purposes, and all governed by the enabling Ordinance cited above.

**Performance Term and Renewal Dates:** This contract shall commence on January 29, 2006, [tentative, to be confirmed] and shall expire on January 31, 2007. At the discretion of the City, expressed through approval made by the City Council, in exercising of any one of the two (2) optional performance terms, subsequent commencement dates shall be February 1<sup>st</sup> and expiration dates shall be January 31<sup>st</sup> of each of the respective optional annual terms.

City of San Antonio

Proponent / Contractor

by: \_\_\_\_\_

by: \_\_\_\_\_

Printed name: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: City Manager, an Assistant City Manager,  
or an Assistant to the City Manager

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

Office of the City Attorney  
Michael Bernard

by: \_\_\_\_\_

Sally Clark Farris, Assistant City Attorney

Check list for contract documents:

1. Enabling Ordinance No. \_\_\_\_\_
2. RFP issued by City of San Antonio for Stand-by Asbestos Abatement / Environmental Construction Services 2006
3. October 28, 2005, Questions and Answers [ treated as Addendum #1] (Exhibit I), appended hereto
4. Addendum #2 (Exhibit II), appended hereto